

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**UNITED STATES OF AMERICA**

**v.**

**TAJELDIN CUNNINGHAM**

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**CRIMINAL NO.  
15-119-02**

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**ORDER**

This 22nd day of March, 2017, in light of the Third Circuit's decision in *United States v. Robinson*, 844 F.3d 137 (3d Cir. 2016), as well as its recent denial of rehearing in *Robinson*, it is hereby **ORDERED** that Defendant Tajeldin Cunningham's Motion to Dismiss Count Two (Dkt. 99) is **DENIED**.

/s/ Gerald Austin McHugh  
Gerald Austin McHugh  
United States District Judge